

1 107853-1 : n : 02/18/2009 : Judiciary / mjt

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3 HB297 HOUSE JUDICIARY COMMITTEE ENGROSSED SUBSTITUTE

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 To amend Section 15-18-83 of the Code of Alabama
14 1975, relating to persons who may be present at an execution;
15 to allow up to eight members of the immediate family of a
16 victim, up to eight relatives or friends of the condemned
17 person, the district attorney from the judicial circuit where
18 the condemned person was prosecuted, and one officer from the
19 arresting branch of law enforcement that arrested the
20 condemned person for the capital offense to be present at the
21 execution of the condemned person.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 15-18-83 of the Code of Alabama
24 1975, is amended to read as follows:

25 "§15-18-83.

26 "(a) The following persons may be present at an
27 execution and none other:

1 "(1) The executioner and any persons necessary to
2 assist in conducting the execution.

3 "(2) The Commissioner of Corrections or his or her
4 representative.

5 "(3) Two physicians, including the prison physician.

6 "(4) The spiritual advisor of the condemned.

7 "(5) The chaplain of Holman Prison.

8 "(6) Such newspaper reporters as may be admitted by
9 the warden.

10 "(7) Any of the relatives or friends of the
11 condemned person that he or she may request, not exceeding ~~two~~
12 eight in number.

13 ~~"(8) Any of the immediate family of the victim, not~~
14 ~~to exceed two in number; provided that if there was more than~~
15 ~~one victim, the number and manner of selection of victims'~~
16 ~~representatives shall be as determined by the Commissioner of~~
17 ~~Corrections. The immediate family of the victim, not exceeding~~
18 ~~eight in number and apportioned equally among the victim's~~
19 ~~immediate family members. If there are fewer than eight total~~
20 ~~immediate family members of the deceased victim, additional~~
21 ~~immediate family members of a victim, for whose death the~~
22 ~~inmate is not sentenced to death.~~

23 "(9) The district attorney, or his or her
24 representative, from the judicial circuit where the condemned
25 person was originally prosecuted and sentenced to death.

1 "(10) One officer from the arresting branch of law
2 enforcement, provided that the arrest led to the capital
3 sentence.

4 "(b) No convict shall be permitted by the prison
5 authorities to witness the execution."

6 Section 2. This act shall become effective ~~on the~~
7 ~~first day of the third month~~ immediately following its passage
8 and approval by the Governor, or its otherwise becoming law.